

CHAPTER 53. REGISTRATION AND TERMINATION

Sec.

53.1. Biennial filing fee.

53.2. Principal registration.

53.3. Lobbying firm registration.

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53.4. Lobbyist registration.

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53.5. Amended registration statements.

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53.6. Termination.

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53.7. Public inspection and copying.

§ 53.1. Biennial filing fee.

(a) Under section 1310-A(a) of the act (relating to filing fees; fund established; regulations), a principal, lobbying firm¹ or lobbyist required to be registered under the act shall pay a biennial filing fee of \$100 to the Department, made payable to the "Commonwealth of Pennsylvania."

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(1) The biennial filing fee shall be tendered to the Department with the filing of the principal's, lobbying firm's or lobbyist's first registration statement in each registration period. However, if the Department receives the filing fee within five Commonwealth business days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with § 51.5(e) & (f).²

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(2) The biennial filing fee shall be a flat fee for the registration period in which paid. A registrant shall not be required to pay more than one biennial filing fee in any given biennial registration period.

(3) A separate biennial filing fee shall be paid for each principal, lobbying firm or lobbyist required to be registered, even if employed by a firm, association, corporation, partnership, business trust or business entity that is also required to register and that has paid or will pay the fee. A principal also acting as a lobbyist shall pay no more than one

¹ Act 2006-134 added lobbying firm throughout the Act.

² See § 51.5(e) & (f) and the accompanying footnotes. The Committee may wish to consider whether to add this five-day grace period from the previous regulations.

fee in a registration period.³

(4) The biennial filing fee is nonrefundable and ~~nontransferable~~.

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(5) Filing fees shall expire at the end of each registration period, regardless of when paid.

(b) The failure to pay a biennial filing fee as required by the act and this section shall constitute a failure to register as required by the act.

(c) Money received from biennial filing fees ~~will~~ be deposited in the Fund.

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§ 53.2. Principal registration.

(a) Unless exempt under section 1306-A of the act (relating to exemption from registration and reporting), a principal shall register with the ~~Department~~ within ~~ten~~ days of acting in any capacity as a principal.

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(1) Engaging a lobbyist for lobbying purposes constitutes acting in the capacity of a principal.⁴

(2) Lobbying by a principal on the principal's own behalf constitutes acting in the capacity of a principal.⁵

(i) A principal that is required to register and that engages in lobbying ~~solely~~ on its own behalf need only register as a principal.⁶ ~~However, a principal that engages in lobbying on behalf of others would be required to register as a lobbyist.~~

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(ii) Unless exempt under section 1306-A of the act, members or employees of a principal who engage in lobbying on behalf of the principal shall register as lobbyists under § 53.3 (relating to lobbyist registration).⁷

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(b) A principal shall register by filing a registration statement with the ~~Department~~, on a form prescribed by the ~~Department~~, which shall disclose ~~at least~~ the following information:⁸

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~~3 The Committee considered this seeming contradiction between the two sentences and deemed it appropriate on May 24th.~~

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~~4 The Committee may wish to consider whether to continue this provision in the previous regulations at § 33.2(a)(1).~~

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~~5 The Committee may wish to consider whether to continue this provision in the previous regulations at § 33.2(a)(2). See also supra subsection 53.1(a)(3) (relating to biennial filing fee) and footnote 3.~~

~~6 The Committee may wish to consider whether to continue this provision in the previous regulations at § 33.2(a)(2)(i).~~

~~7 The Committee may wish to consider whether to continue this provision in the previous regulations at § 33.2(a)(2)(ii).~~

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~~8 Except as noted below, these requirements are contained in section 1304-A(b)(1) of Act 2006-134.~~

(1) The name, permanent address, daytime telephone number, email address, if available, and name and nature of the business of the principal.

(2) The name, registration number and acronyms of "affiliated political action committees" as defined in section 1303-A of the act (relating to definitions).

(3) The name and permanent business address of each individual, registered or unregistered, who will for economic consideration engage in lobbying on the principal's behalf.

(4) If the principal is an organization or association, the number of its dues-paying members in the past calendar year.

(5) The name, permanent business address, daytime telephone number, fax number and email address of every lobbying firm which represents the principal.⁹

(6) The registration number of the principal when available.¹⁰

(c) For each address that is to be disclosed on a registration statement, the filer shall include the mailing address and may, at the filer's option, include the street address, if different. If no street address is supplied, the registrant shall be deemed to have waived personal service where such service is required by law.

(d) The registration statement shall include the principal's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.

(e) The registration statement shall include a statement that the principal has received, read and understands the requirements and prohibitions of the act (relating to lobbying disclosure).

(f) The registration statement shall also include a statement that the information set forth on the statement by the principal is true, correct and complete to the best of the registrant's knowledge, information and belief, and the affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).¹¹

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⁹ Although not required by Act 2006-134, on May 24th, the committee agreed that it was appropriate for this information to be included on the registration statement.

¹⁰ The registration number of a principal is required by section 1304-A(b)(viii) of Act 2006-134. For the Department's online filing, a registration number is assigned once the registrant starts completing the form online. For the Department's paper and email filing, the Department assigns a registration number once it deems the applicant is properly registered.

¹¹ The Department now includes a statement to this effect at the end of all of the registration statements based on this requirement at section 1308-A(b) of Act 2006-134: "All information requested on the forms shall be provided to the best of the knowledge, information and belief of the person required to file...."

(g) A principal will not be considered registered until the completed registration statement and the biennial filing fee,¹² in proper form as required by the act and this section, are received by the Department. However, if the Department receives the filing fee within five Commonwealth business days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with §§ 51.5(e) & (f).¹³

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(h) Unless terminated, each registration statement filed under the act shall be effective from the date of filing through the final day of the registration period then in effect. The principal shall file new registration statements after that date, to the extent the principal is required to be registered under the act and this section.

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§ 53.3. Lobbying firm registration.¹⁴

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(a) Unless exempt under section 1306-A of the act (relating to exemption from registration and reporting), a lobbying firm shall register with the Department within ten days of acting in any capacity as a lobbying firm.

(1) Accepting an engagement to lobby constitutes acting in the capacity of a lobbying firm.¹⁵

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(2) Lobbying by a lobbying firm on a principal's behalf constitutes acting in the capacity of a lobbying firm.¹⁶

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(i) A lobbying firm that is required to register and that engages in lobbying on its own behalf shall also register with the Department as a principal.¹⁷

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(ii) Unless exempt under section 1306-A of the act, members or employees of a lobbying firm who engage in lobbying on behalf of the lobbying firm shall register as lobbyists with the Department under § 53.3 (relating to lobbyist registration).¹⁸

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(b) A lobbying firm shall register by filing a registration statement with the Department.

¹² See *supra* § 53.1(a)(1) (relating to biennial filing fee) and note 2. The committee may wish to consider adding this requirement regarding the filing fee due to the requirement to pay a biennial filing fee of \$100 at section 1310-A of Act 2006-134.

¹³ This text is repeated from § 53.1(a)(1) (relating to biennial filing fee) and the accompanying footnote. The committee may wish to consider referring to this five-day grace period at §§ 51.5(e) & (f) (relating to delinquency).

¹⁴ Because section 1304-A(b) of Act 2006-134 added new language requiring lobbying firms to register, it is necessary to add this new section.

¹⁵ On May 24th the Committee determined that previous language was not appropriate for use with lobbying firms.

¹⁶ The Committee may wish to consider whether to include this provision excerpted from § 33.2(a)(2) in the previous regulations, which was related to principals but not to lobbying firms. See also *supra* subsection 53.1(a)(3) (relating to biennial filing fee) and the accompanying footnote.

¹⁷ On May 24th the Committee determined that dual registration is appropriate under these circumstances.

¹⁸ The Committee may wish to consider whether to include this provision excerpted from § 33.2(a)(2)(ii) in the previous regulations, which was related to principals but not to lobbying firms.

on a form prescribed by the Department, which shall disclose at least the following information:¹⁹

(1) The name, permanent address, daytime telephone number, email address if available, and name and nature of business of the lobbying firm.

(2) The name, registration number and acronyms of "affiliated political action committees" as defined in section 1303-A of the act (relating to definitions).²⁰

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(3) The name and permanent business address of each individual, registered or unregistered, who will for economic consideration engage in lobbying on the principal's behalf.

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(4) The name, permanent business address, daytime telephone number and registration number when available of every principal that the lobbying firm represents.²¹

(5) The registration number of the lobbying firm when available.²²

(c) For each address that is to be disclosed on a registration statement, the filer shall include the mailing address and may, at the filer's option, include the street address, if different. If no street address is supplied, the registrant shall be deemed to have waived personal service where such service is required by law.

(d) The registration statement shall include the lobbying firm's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.

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(e) The registration statement shall include a statement that the lobbying firm, through its authorized representative, has received, read and understands the requirements and prohibitions of the act (relating to lobbying disclosure).

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(f) The registration statement shall also include a statement that the information set forth on the statement by the lobbying firm is true, correct and complete to the best of the registrant's knowledge, information and belief, and the affirmation is being made subject

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¹⁹ Except as noted below, these requirements are contained in sections 1304-A(b)(1) & (2) of Act 2006-134.

²⁰ The Committee may wish to consider including the employees of the lobbying firm here because the definition of "affiliated political action committee" at section 1303-A(1)(ii) of Act 2006-134 does not include a lobbying firm or an employee of a lobbying firm. However, section 1304-A(b)(1)(vi) does require a lobbying firm to disclose on its registration statement the name, registration number and acronym of any affiliated political action committees.

²¹ This information is required by section 1304-A(b)(2) of Act 2006-134.

²² The registration number of the lobbying firm is required by section 1304-A(b)(viii) of Act 2006-134. For the Department's online filing, a registration number is assigned once the registrant starts completing the form online. For the Department's paper and email filing, the Department assigns a registration number once it deems the applicant is properly registered.

to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).²³

(g) A lobbying firm will not be considered registered until the completed registration statement and the biennial filing fee,²⁴ in proper form as required by the act and this section, are received by the Department. However, if the Department receives the filing fee within five Commonwealth business days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with §§ 51.5(e) & (f).²⁵

(h) Unless terminated, a registration statement filed under the act shall be effective from the date of filing through the final day of the registration period then in effect. The lobbying firm shall file a new registration statement after that date, to the extent the lobbying firm is required to be registered under the act and this section.

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§ 53.4. Lobbyist registration.

(a) Unless exempt under section 1306-A of the act (relating to exemption from registration and reporting), a lobbyist shall register with the Department within ten days of acting in any capacity as a lobbyist.

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(1) Accepting an engagement to lobby constitutes acting in the capacity of a lobbyist.²⁶

(2) Engaging in lobbying constitutes acting in the capacity of a lobbyist.²⁷

(3) When a firm, association, corporation, partnership, business trust or business entity is engaged as a lobbyist or lobbying firm, it and each of its members or employees that engage in lobbying on behalf of the principal shall register with the Department, unless exempt under section 1306-A of the act.²⁸

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(4) When a lobbyist engages in lobbying on its own behalf, it shall also register as a principal.

(b) A lobbyist shall register by filing a "registration statement" with the Department on a

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²³ The Department now includes a statement to this effect at the end of all of the registration statements based on this requirement at section 1308-A(b) of Act 2006-134: "All information requested on the forms shall be provided to the best of the knowledge, information and belief of the person required to file...."

²⁴ See *supra* § 53.1(a)(1) (relating to biennial filing fee) and note 2. The committee may wish to consider adding this requirement regarding the filing fee due to the requirement to pay a biennial filing fee of \$100 at section 1310-A of Act 2006-134.

²⁵ This text is repeated from § 53.1(a)(1) (relating to biennial filing fee) and the accompanying footnote. The committee may wish to consider referring to this five-day grace period at §§ 51.5(e) & (f) (relating to delinquency).

²⁶ The Committee may wish to consider whether to continue this provision in the previous regulations at § 33.3(a)(1).

²⁷ The Committee may wish to consider whether to continue this provision in the previous regulations at § 33.3(a)(2).

²⁸ The Committee may wish to consider whether to continue this provision in the previous regulations at § 33.3(a)(3).

form prescribed by the Department, which shall include and disclose at least the following information:²⁹

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(1) The name, permanent business address, email address, if available, and daytime telephone number of the lobbyist. The filer shall also indicate if the lobbyist is a licensed attorney, and, if so, whether the attorney is licensed in Pennsylvania.³⁰

(2) A recent passport-sized (approximately two inches x two inches) photograph of the lobbyist, the specifications of which shall be determined by the Department and published on its website.³¹

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(3) The name, permanent business address, daytime telephone number and registration number when available of each principal the lobbyist represents.³²

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(4) The name, registration number and acronyms of "affiliated political action committees," as defined in section 1303-A of the act (relating to definitions).³³

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(5) The name and registration number when available of every lobbying firm with which the lobbyist has a relationship involving economic consideration.³⁴

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(6) The name, registration number and acronym of any non-federal candidate's political committee of which the lobbyist is an officer who must be included in a registration statement under section 1624(b)(2) & (3) of the Pennsylvania Election Code, 25 P.S. § 3244(b)(2) & (3).³⁵

²⁹ Except as noted below, these requirements are contained in section 1304-A(c) of Act 2006-134.

³⁰ Although these questions are not explicitly required in section 1304-A of Act 2006-134, the Department included this information on its registration statement because it will be helpful for enforcement purposes, as the Board has jurisdiction over attorneys, as required by section 1309-A(f) of Act 2006-134.

³¹ The Department will supply the maximum size as part of its authority at section 1308-A(b) of Act 2006-134 to prescribe registration forms.

³² This information is required by section 1304-A(c)(6) of Act 2006-134.

³³ The Committee may wish to consider adding clearer language such as this language that the Department used in its Frequently Asked Questions on its website: "According to the definition of 'affiliated political action committee,' at section 1303-A of Act 134, a lobbyist must list an affiliated political action committee when the lobbyist or an employee of the lobbyist is an officer of the PAC who must be included in a registration statement under section 1624(b)(2) and (3) of the Pennsylvania Election Code, 25 P.S. § 3244(b)(2) & (3). The officers who must be listed on a PAC's registration form are the chairperson and treasurer."

³⁴ This language tracks Section 1304-A(c)(7) of the Act.

³⁵ Section 1304-A(c)(9) of Act 2006-134 contains this requirement. However, section 1307-A of Act 2006-134 prohibits a lobbyist from serving as a treasurer or other officer for a candidate's political committee or a candidate's political action committee if the candidate is seeking a statewide office or the office of Senator or Representative in the General Assembly. The Department has received questions from lobbyists on whether to list Federal statewide candidates (i.e. U.S. Senators). The Federal Election Campaign Act may preempt state laws regarding registration, reporting and compliance for federal candidates and political committees. See 42 U.S.C. § 453(a), 11 C.F.R. § 108.7 and Federal Election Commission (FEC) Advisory Opinions 1999-12, 1994-2 and 1993-25, all of which are available on the FEC's website, www.fec.gov, listed under the topic "Law and Regulations." Thus, the Committee may wish to consider clarifying whether Act 134 applies only to state candidates, as noted in the text above.

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(7) The registration number of the lobbyist when available.³⁶

(c) For each address that is to be disclosed on a registration statement, the filer shall include the mailing address and may, at the filer's option, include the street address, if different. If no street address is supplied, the registrant shall be deemed to have waived personal service where such service is required by law.

(d) The registration statement shall include the lobbyist's consent to receive service of notices, other official mailings or process at addresses listed in the registration statement on file with the Department.

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(e) The registration statement shall include a statement that the lobbyist has received, read and understands the requirements and prohibitions of the act (relating to lobbying disclosure).

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(f) The registration statement shall also include a statement that the information set forth on the statement by the lobbyist is true, correct and complete to the best of the registrant's knowledge, information and belief, and the affirmation is being made subject to 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).³⁷

(g) A lobbyist registering on behalf of an association shall not be required to register on behalf of each member of that association; however, if a lobbyist represents a member in a separate capacity both the lobbyist and the member shall file the appropriate registrations.

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(h) A lobbyist will not be considered registered until the completed registration statement and the biennial filing fee,³⁸ in proper form as required by the act and this section, is received by the Department. However, if the Department receives the filing fee within five Commonwealth business days of the filing of a registration statement, the registration will not be considered delinquent, in compliance with §§ 51.5(e) & (f).³⁹

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(i) Unless terminated, each registration statement filed under the act shall be effective

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³⁶ Although the registration number is not required for a lobbyist's registration statement, it is required by section 1304-A(b)(viii) of Act 2006-134 for principals and lobbying firms. Therefore, the Department included the registration number of the lobbyist on its registration statements. For the Department's online filing, a registration number is assigned once the registrant starts completing the form online. For the Department's paper and email filing, the Department assigns a registration number once it deems the applicant is properly registered.

³⁷ The Department now includes a statement to this effect at the end of all of the registration statements based on this requirement at section 1308-A(b) of Act 2006-134: "All information requested on the forms shall be provided to the best of the knowledge, information and belief of the person required to file...."

³⁸ See *supra* § 53.1(a)(1) (relating to biennial filing fee) and note 2. The committee may wish to consider adding this requirement regarding the filing fee due to the requirement to pay a biennial filing fee of \$100 at section 1310-A of Act 2006-134.

³⁹ This text is repeated from § 53.1(a)(1) (relating to biennial filing fee) and the accompanying footnote. The committee may wish to consider referring to this five-day grace period at §§ 51.5(e) & (f) (relating to delinquency).

from the date of filing through the final day of the registration period then in effect. The lobbyist shall file new registration statements after that date, to the extent the lobbyist is required to be registered under the act and this section.

Cross References

This section cited in 51 Pa. Code § 53.2 (relating to principal registration).

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§ 53.5. Amended registration statements.

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(a) A principal required to be registered under the act shall file an amended registration statement whenever there is a change of or in the information required to be disclosed on the principal's registration statement. The amended registration statement shall be filed with the Department within 14 days after the change occurs, except that if the change is solely as to the number of dues-paying members in the past calendar year, the amended registration statement shall be filed with the Department within 14 days of the end of the year in which the change occurs.

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(b) A lobbyist or lobbying firm required to be registered under the act shall file an amended registration statement whenever there is a change of or in the information required to be disclosed on the lobbyist's or the lobbying firm's registration statement. The amended registration statement shall be filed within 14 days after the change occurs.

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(c) Principals, lobbyists and lobbying firms shall amend only those portions of their registration statements that need to be amended, in addition to the identification of the principal, lobbyist and the lobbying firm.⁴⁰

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(1) The notice of termination shall be on a form prescribed by the

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(3) A principal or lobbying firm may file notices of termination solely as to registration

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Cross References

This section cited in 51 Pa. Code § 51.9 (relating to amended filings).

§ 53.6. Termination.

(a) A lobbyist, lobbying firm or a principal may terminate its registration by filing with the Department a completed notice of termination on a form prescribed by Department.

(b) A separate notice of termination shall be required for each registration statement.

(c) A notice of termination shall identify the applicable registration statement by the date filed, the registration number,⁴¹ the name and address of the principal, the name and

⁴⁰ When the Department sought comments from lobbyists in December of 2006 on its initial paper registration statements, a lobbyist made this suggestion to the Department. The Department follows this same procedure with the filing of campaign finance registration statements and reports.

⁴¹ The Department uses registration numbers to track registrants in its system. Section 1308-A(b) of Act 2006-134 grants the Department the authority to prescribe the registration and reporting forms to be used.

address of the lobbying firm⁴², and the names and addresses of the lobbyists.

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(d) A notice of termination may be amended, but cannot be withdrawn.

(e) A registration statement cannot be revived or otherwise made effective after a notice of termination as to the registration statement has been filed.

(f) No lobbying may occur after the filing of a notice of termination unless the lobbying is under a separate registration statement which has already been filed with the Department and which, at the time of the lobbying, has not been terminated.

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(g) After a review of the notice of termination⁴³ the Department will issue to the lobbyist, lobbying firm or principal who filed the notice of termination a letter stating that the registrant has terminated registration. The letter shall be issued within 15 days after the Department's receipt of the notice of termination.

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(h) The filing of a notice of termination or a termination report, or the issuance of a Department letter stating that the registrant has terminated registration, does not affect the Department's authority to conduct audits, or the Commission's, the Attorney General's or the Board's authority to conduct investigations, hearings or other proceedings under the act and this part.

(i) Nothing in this subsection shall be construed to exempt a lobbyist, lobbying firm or principal from any of the requirements in section 1305-A (relating to reporting).⁴⁴

§ 53.7. Public inspection and copying.

(a) The Department will make completed registration statements and notices of termination, which have been filed with the Department, available for public inspection and provide copies of these documents at a price not in excess of the actual cost of copying.⁴⁵

(b) The Department will make all registrations and notices available on a publicly accessible Internet web site. Documents maintained and reproducible in an electronic format will be provided in that format upon request.⁴⁶

(c) The Department will make electronically submitted documents available either on paper or electronically. The Department will make documents submitted on paper available both on paper and electronically.⁴⁷

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⁴² Act 2006-134 requires the registration of lobbying firms, in addition to principals and lobbyists.

⁴³ Section 1304-A(e)(2) of Act 2006-134 requires the Department to review the notice of termination, and issue no later than 15 days after receipt of the notice a letter stating that the registrant has terminated registration.

⁴⁴ Section 1304-A(e)(4) of Act 2006-134 contains this requirement.

⁴⁵ Section 1308-A(c) of Act 2006-134 contains this requirement.

⁴⁶ *Id.*

⁴⁷ This statement could be inferred from section 1308-A(c) of Act 2006-134.